A REVIEW OF THE STATE OF THE BRITISH NATION.

Tuesday, May 8. 1711.

WHEN in the last *Review* (but one) I enter'd upon the Affair of our Treatment of the *Presbyterians* in *Scotland*, I own, I had my View to the Paper I now Publish —— And I cannot but think it a piece of Service as well as Justice, to lay this Matter before you—Indeed rather to open your Eyes to the Conduct of Things among your Neighbours in *Scotland*, than to Vindicate the *Presbyterian* Church there—Tho' both are very necessary.

We have been told that the Church of *Scotland* is Guilty of Persecution and furious Treatment of the Episcopal People, and our uninform'd *Examiner*, *as he owns himself to be in this Case*, says, he thinks it strange that the *Whigs* and *Fanaticks* should make such a stir about Tolleration, when their Brethren, the *Presbyterians* in *Scotland*, afford no Connivence, &c.

This is such Ignorance, and such wilful Blindness about Things so Publick, that it is really Time to open the Eyes of this deluded Nation; those therefore that are not willing to indulge their own Blindness, let them but ask of the Episcopal People that come from *Scotland* these two Questions, I am perswaded none of them will be so far Enemies to Truth, as not to give a true Answer, and if they should, it is so easie to detect the contrary, that it would but expose them.

1. Are there 15, 16, or 17 Meeting-Houses of Episcopal People now conniv'd at, and have been for some Years in the City and Liberties of *Edinburgh*, or are there not?
2. Are there not the like set up in all Parts of *Scotland*, wherever the said Episcopal People please, or are there not?
3. Among those Meeting-Houses, Is there one in five, where either the Minister takes the Oaths, or where they pray publickly for her Majesty Queen *Anne*?
4. Is any Disturbance offer'd any of these from the *Presbyterians*? And when once the Rabble Insulted one of these *Jacobite Meetings* in *Glasgow*, Did not the Magistrates of the City pay to the Master of the House twice as much Dammage as he suffer'd?
5. Are not all the Episcopal Ministers that being in Churches in 1695, and would take the Oaths, continued in their Churches, and remain so, Death excepted, to this Day, being one sixth part of all the Parishes Ministers in *Scotland*?

6. Are

6. Are there not several Places, where the Incumbent thus being Episcopal, Preaches in the Parish Church, and enjoys the Benefice, and the Establish'd Church Minister Preaches in a Meeting-House like a *Dissenter*, for Peace sake, being Maintain'd by the Charitable Contribution of the Inhabitants?

7. Do not the Magistrates in several Places go to the *Jacobite* Meeting Houses in Publick, tho' the Preachers there have not taken the Oaths, and tho' the Queen is never pray'd for in the Place?

Either this is Truth, or it is not; if it be not, then I leave the *Examiner* to Contradict it; and if it be, Why should not all People own it?——— As now the Church of *Scotland* goes thus far in Connivence, Charity, Civility and Forbearance, to the Episcopal and *Jacobite Dissenters* — It is but just then, in the next place, to Enquire how these *Dissenters* behave under it, and in what manner they Treat the Establish'd Church?—— And that this may appear without any possible Contradiction, I shall give you an Original —— A Libel, as they call it, or Indictment as we call it, just now brought into the Criminal Court in *Scotland*, in order to Prosecute the Persons concern'd, for a Riot, Tumult, and horrid Rabble upon the Ministers, going in a Peaceable, Legal, and Judicial manner, according to the Laws, and according to their Duty, to plant a Minister in a Church Vacant by the Death of the former Minister, the Heretor, or Lord of the Mannour, refusing or delaying to sign a Call to a Minister within the Time, as the Law directs.

I shall make no Enlargements or Reflections upon the Thing, only give you the plain Copy of the Endictment, and letting you know at the same Time, that I have several more of the like kind by me——— So I only desire the Man that desires to be Inform'd, to consider this Impartially, and not be tir'd with the length of it; for if the World can shew the like of it to any Establish'd Church in *Europe*, or any Establish'd Church in *Europe* ever bore with the like, then I am mistaken: I shall speak to it at large hereafter.

ANNE by the Grace of GOD, Queen of *Great Britain*, *France* and *Ireland*, Defender of the Faith; to our Lovits, Macers, Messengers at Arms; Our Sheriffs in that part, conjunctly and severally, specially constitute, greeting, FORASMUCH as, it is humbly mean't and complain'd to Us by our Lovits *James Keith* younger of *Keithfield*, and *Alexander Thomson* of *Portlethem*, two of the Justices of the Peace of the Shire of *Aberdeen*, *Robert Stuart* Merchant, one of the present Baillies of *Aberdeen*, and Mr. *John Dundass* of *Philipston*, Advocate, Procurator for the Church, for the Church's Interest, and in Name of the Presbytery of *Deer*; and Sir *D. Dalrymple* of *Hales*, Baronet, our Advocate for our Interest; upon Mr. *John Keith* of *Glasgo-ego* pretended Preacher, *William Baird* of *Auchmedden*, *James Keith* of *Creichie*, *Silvester Douglas* of *Whiteriggs*, Son to the late Bishop of *Dumblain*, *James Keith* of *Bruxie*, *George Ranken* of *Auchreny*, *Charles Morison* in *Fetterangus*, *John Forbes* Chamberlain to Mr. *James Ferguson* of *Pitfour*, and *John Will* his Servant, *William Charles* elder Officer in *Cairnurchie*, *William* and *John Charles* his Sons, and *Elizabeth Charles* his Daughter, *Charles Gordon* in *Drynnis*, *William Finnie* Tenent in *Brecksbill*, *John Darg* there, *George Will* in *Pitfour*, *William Shirril* Saidler in *Deer*, *Janet Will* Servitrix to *Gilbert Gordon* Brewer in *Deer*, *Elspeth Tait* there, *Mary Mackie* there, *George Keith* at the Wak-Mill of *Deer*, *John Pittendreich* Riddle-maker in *Auchrenie*, *John Anderson* in *Creichie*, *John Jonston* there, *George Daniel* there, *George Gordon* Tenent in *Overadam*, and *James Murison* his Servant, *William Scot* Tenent in *Netheraden*, *William Butter* in *Little-Creichie*, *George Keith*, *Alexander Murray* and *Alexander Couts* his Servants, *George Keith* at the *Wak Mill* of *Creichie*, *George Smith* in *Craigiebill*, *George Rob* there, *John Rob* in *Annachie*, *John Crawford* in *Altrie*, *William Couper* there, *Patrick Gordon* and *Alexander Murray* Servants to *George Frazer* in *Shannes*, *William Gordon* in *Oldtown*, and *Patrick*, *John*, and *George Gordons* his Sons. That where, by the Laws of God, and by the Laws of this and all other well govern'd Nations, intruding upon any vacant Church without a Legal Call and Admission, raising or spreading

False

False and Seditious Reports, the raising of Tumults, the gathering in a disorderly manner with Weapons and Instruments of Violence and of Slaughter; the Invading, Assaulting, Beating, or Wounding of any of our Leiges, especially Ministers of the Gospel, or the Ministers and Executors of the Laws of the Nation, and any violent, forcible, and unwarrantable opposing of them or either of them, in the lawful Exercise of their respective Offices; and the stirring up, hounding out, encouraging, conniving at, or allowing of such as are Guilty of the said Crimes; and the seising, robbing, spuilzeing, and away taking, by Fraud or Violence, of any Man's Goods, Ware or Provisions; and the convocating and meeting together in Arms, for these Ends, are all Crimes of an high Nature, and severely punishable. Likeas, by the 22d. Act, Sess. 5. Parl. K. *William* and Queen *Mary*, all Intrusion upon any Church, without a legal Call or Admission, is prohibit under the Pains therein express'd: And by that same Act, Ministers deposed, are prohibit to exercise the Office of the Ministry. And sicklike, by the 27th Act of the 11th Parl. *Ja.* VI. it is Statuted and ordain'd, That whatsoever Person or Persons Invades any Ministry, or puts violent Hands on them, shall be punish'd therefore with all Rigour, and incurr the Tinsel of all their moveable Goods for the said Invasion and Violence allenarly, albeit no Slaughter or Mutilation follow thereupon, But Prejudice of greater Punishment if any higher Crime concurr; and all Persons delated of the said Offences, are order'd to be call'd and presented before the Justice and his Deputies, at the Instance of the Minister, King's Advocate, Procurator for the Kirk, or any other who will pursue the saids Offences. Item by the 7th Act, Parl. 1. *Ch.* I. *Anno* 1633, the said Act is ratified, with this Explanation and Addition, That whosoever Invades any Minister, or puts violent Hands on them, by themselves or their Men, Tenents, Servants or any others, by their hounding out, Direction or Allowance for whatsoever Cause or Occasion otherways than by Order of Law, or doth offer Violence to them, shall incurr the like Pain as is contain'd in the said Act, and shall be judged after the Form and Manner therein prescrib'd: And it is declared, that the same shall be extended to all Ministers whatsomever, having Power by Lawful Warrant to Preach and Administer the Sacraments. And in like manner, the 2d Act, Sess. 7. King *William* and Queen *Mary*, Parl. 1698. strictly prohibits and discharges all Persons whatsoever, to make any Opposition, by Rabbling, Tumult, or any other manner of Violence, to any Minister lawfully Authoriz'd, and sent to Preach at any vacant Church, either for Supply, or to exercise the Ministerial Function, as Minister of the Paroch, under the Pains therein mention'd. And further, the foresaid Act *Anno* 1633. is thereby ratified and extended to the Case of that Act, in the Manner, and with the Alterations following, *viz.* That wherever any such Rabbling or Tumult happens, the Heretors and Liferenters in whose Bounds, whether within or without the Paroch, any of the Persons delated or accused as Guilty of, and Accessory to the same, dwells or resides, shall be holden, upon Intimation by the Minister Injur'd, in Name of the *Presbytery* who sent him, to produce the Persons Guilty, and that they may be conven'd for that Effect: With Certification, if they fail to produce them, residing within their Bounds at the Time of the Intimation; or shall suffer the Persons withdrawing or absenting, to reside thereafter, or haunt openly within their Bounds, for the space of 20 Days; Then the foresaid Heretors or Liferenters, shall be esteem'd Connivers with the Delinquents, and lyable as Guilty art and part with them in the said Delinquence. And also by the 173d Act, Parl. 13. *Ja.* VI. They who strick or hurt any Person before any inferior Judge, or who stricks or hurts the said Judge himself, in the Exercise of this Office, are punishable respectively, in manner contain'd in the aforesaid Act. Likeas by the 53d Act, Parl. 12. *Ja.* II. Such as rive another's Goods, are punishable as in the said Act, and by the Act 19. Parl. 6. the said King *Ja.* II. a Spuilie being proven the spuilied Goods are not only appointed to be restored, but the Party's Expences to be paid; and the Persons guilty, to be unlaw'd and amerciated for the said Crime.

Yet NEVERTHELESS it is of Verity, that the Persons above named, or one or other,

other, or all of them, *shaking off* all Fear of God, and Regard to our Laws, are guilty Actors art and part of the foresaid Crimes, or of one or other of them respectively: In so far as the Paroch of Old-Deer becoming vacant by the Death of Mr. *George Keith* the former Incumbent, who departed this Life upon the 16th Day of *July* last by past, the said Mr. *John Keith* sometime a Minister, now deposed, does intrude in the said Church, without any Order of Law, and Preaches and Exercises other parts of the Ministry in that Paroch: And albeit the *Presbytery*, within a very few Days after the said Incumbent's Death, did both by Word and Writ, apply to, and earnestly deal with the *Heretors*, to give them ready and peaceable Access to the Church; yet the Church Doors were shut against them, and those sent by them to Preach there, were denied Access to the Church, and forc'd to Preach in a Meeting-House: And the *Presbytery* being desirous to have the said Parish settled in the ordinary manner, and finding that they could not get Access to the Church by their Intreaties, they were necessitated in *October* last, to apply to the Justices of the Peace, to have the Church Doors made Patent to them, as the Law directs; and the said Justices did enact, That in case the Paroch of *Old-Deer* did not give a legal Call, and make Patent Doors to the *Presbytery*, before the 23d of *January* then next, they would order their Constables to make them Patent: And failing this, That they would, at their next Quarterly-Meeting to be held at *Old-Deer*, the 6th Day of *March*, order the same: And upon the said Day, the *Presbytery* having again applyed to the said Justices of the Peace, for the end aforesaid, the *Heretors* above-nam'd, who oppos'd the *Presbytery*, did desire that the settling of a Minister in the said Paroch, might be delay'd till the next Synod in *April*; and the *Presbytery* were so desirous of Peace, that they acquiesced to it, providing the Keys of the Kirk-doors were presently deliver'd up, and they allow'd peaceable Access to the said Church, that they might thereby be put in case in the usual Manner to promote a Parochial legal Call, But the *Heretors* having refus'd this, the Justices of the Peace did appoint any one or two of their Number residing within the *Presbyteries* of *Deer* or *Ellen*, to make open the Doors conform to Law: The *Presbytery* being by this Refusal and Opposition of the *Heritors* debarred from all Access to promote a Legal Parochial Call; and the Time allow'd by Law for such a Call being long elapsed, and thereby the Right of Planting being devolv'd in the *Presbytery's* Hand, they did resolve to proceed to the Settlement of a Minister therein; and having the Request and Concourse of a great Number of the *Heritors* for Mr. *John Gordon* Probationer, Son to *John Gordon* late Provost of *Aberdeen*, they proceeded to settle him in the said Paroch; and to that purpose, having sent Mr. *Thomas Gordon* Minister at *Loan-May*, upon *Sunday* the 11th Day of *March* last, to serve his Edict; several of the foresaid Persons, and particularly the said *Charles Gordon* in *Drinness* and others, having posted themselves at the *Kirk-Stile* in Arms, did violently oppose the said Mr. *Thomas Gordon*, by Threatning to beat out his Brains, and holding a great Batton over his Head, and Swearing he would beat him down, if he would not presently be gone: And thereby the said Mr *Thomas Gordon* being forc'd to retire, the said *Charles* and his Accomplices did pursue the said Mr. *Thomas Gordon*, throwing Stones at him to the endangering of his Life, and abus'd and bedawb'd him with Mire and Dirt: And such was their Malice, not only against the *Presbytery* and these sent by them to Preach, at that Paroch, but even against private Christians who came to have the Benefit of the Ordinances, That they assaulted a Gentlewoman call'd *Elizabeth Thompson*, Neice to *Port-Lethim*, who came to hear Sermon, and threw her into the Water of *Ugie*, and kept her under Water until she was almost drowned; and took her Bible from her, and TORE IT. And this they did from a Design, no doubt, to discourage People to own the Establish'd Church.

And upon the 21st of *March*, the Day before the intended Ordination, when Mr. *John Gordon* and two or three with him, were coming into the Kirktown of *Deer* in a peaceable manner, the said Persons, or one or other of them, or one or other of the Rabble, came out and met them with Scarr-crows in their Hands, wherewith

with they made a hideous Noise, and scarred and frighted the Horses upon which they Rode, to the endangering of the Riders Lives. And Mr. *John Gordon* having gone in privately by the back of the Town and the rest going on in the high Way that enters the Town, they we attack'd there by another Company of the Persons above complain'd upon, both Men and Women, arm'd with great Rungs, shode-Padles or Plough-Spades, and were beat and wounded most severely by the said *George Keith*, *William Sherrif*, or one or other of the foresaids Persons, so that with much difficulty they escap'd to *John Riccarts* House.

And upon the 22d of *March*, being the Day prefix'd for the Ordination, the Presbytery of *Deer* having come to the Kirk-toun of Old *Deer*, they found the Persons abovenam'd, with a Multitude of others conven'd together in a tumultuary manner, and arm'd, some with GUNS, others with Swords, Corn-Forks, Durks, Bow-Cutts, and other offensive Instruments: And the said Presbytery having entered the House of *James Bruce* in *Old Deer*; and having constitute their Meeting, they applyed to *James Keith* younger of *Keithfield*, Justice of Peace, requiring him, in obedience to Law, and to the abovementioned Appointment of the Quarter-Session, to make open the Doors of the Church, that they might have Access to perform the Ordination; and *Alexander Thompson* of *Port-Letham*, another Justice of Peace, being present, *Keithfield* requir'd his Concurrence; and the said Justices required the Keys of the Kirk-Doors from the Bedel, under Form of Instrument; and perceiving that the People that were thus convened intended to make Opposition, the said Justices of the Peace requir'd the Assistance of Captain *John Forbes* of *Boyndley*, the Bailie *Stewart*, *James Sandilands* Son to Provost *Sandilands* in *Aberdeen*, *Thomas Forbes* of *Ludquhairn*, *William Fife* in *Gilkimston*, *Andrew Burnet* of *Elric*, *Charles Forbes* and *Walter Gordon* Merchants, *John Duff* Messenger, *Charles Morison* in *Fetterangus*, and *William Tait* in *Ludquhairn*, and others that had come to join in Divine Worship, and to countenance the Ordination; and then coming out towards the Church-Stile, which was fast shut and baracadoed by the Rabble, they found a great Body of the foresaids Rabblers both Men and Women, posted without the Kirk-Stile, arm'd as above, and having several Heaps of Stones gathered beside them; which Body of People stept aside, and gave way to the Justices Ministers, and others with them, until they were got in betwixt two Houses, joining with their Corners to the two Sides of the Kirk-Stile; and so soon as the Justices Ministers and others were enter'd in betwixt the said two Houses, the fore-mentioned Body surrounded and incloſed them; and then another great Body of the Rabble, armed as above, which was within the Kirk-yard, (the Persons above complained upon, making a Part of both the said Bodies) did climb over the Church-yard Dike, and got upon the Tops of the said two Houses, and being furnish'd with Stones of great Bigness by their Accomplices, they threw them down with Violence upon the said Justices, Presbytery, and others that joined with them; while in the mean time these from the Church-yard were throwing Stones; and the Rabble that had surrounded them behind, were both throwing Stones and stricking at them with their Swords, Bow-Cutts, and Butts of their Guns, whereby a great many of them were most dangerously hurt and wounded, particularly the said Laird of *Keithfield*, Justice of the Peace, was thrown down to the Ground, and was so beat and wounded by the said *William*, *Charles* and *Charles Gordon*, or one or other of the Persons above-complain'd upon, or one or other of the said Rabble, that he hardly escaped with his Life; and the Laird of *Portlethim* the other Justice of Peace was beat by 'em; and Mr *Alexander Auchinleck* Minister at *Frazerburgh*, Moderator of the said Presbytery, was so beat upon the Back with Stones throwen by one or other of the said Persons complained upon; or at least by the Rabble which they headed, or at least did join with them, that he was in great Pain a long Time afterwards: And the above-mentioned Mr *Thomas Gordon* was cut in the Forehead to the Skull, and had other two Wounds in his Head, and two in his Hands; all given by one or other of the foresaid Persons. Mr *James Anderson* Minister at *Rathen*, Mr *Thomas Blackwell* Minister at *Aberdeen*, and Mr *John Duncan* Preacher of the Gospel, were also beat and

hurt

butt; and *James Sandilands* Son to Provost *Sandilands* in *Aberdeen*; who was one of them that were called by the said Justices to their Assistance, had his Thumb almost cut off by the foresaid *William*, *Charles*, or one or other of the Persons above complained upon, or one or other of the foresaid Rabble; and *James Deans* Dean of Gild in *Aberdeen*, the said *John Forbes*, *Bailie Stewart*, *Thomas Forbes* in *Ludquhairn*, *William Fife* in *Gilkinstoun*, *Andrew Burnet* of *Elrig*, *Charles Forbes* and *Walter Gordon* Merchants, *John Duff* Messenger, *William Tzit* in *Ludquhairn*, and many more were hurt and wounded by the said *George Rob*, or one or other of the Persons above complained upon, or one or other of the foresaid Rabble. The saids Justices of Peace, Ministers and others with them, finding themselves thus inclos'd, and all like to be kill'd, they were oblig'd to force their Way back again through the Rabble that surrounded them behind; a Part of which Rabble did pursue them to *John Riccart*'s Clos, some throwing Stones over the Houses upon them, and others firing Guns after them with such Fury, that the Colfing or Forrage fired the Thatch of *Riccart*'s House; and thereafter the said Rabble went into the said *John Riccart*'s House, where the Presbytery's Dinner was provided, and first enquired if any of the Ministers were there, and threatned, that if any of them or these that had joined with them, were found concealed in the House, they would set Fire to both Ends of it; and then they seized and did eat up the Victuals and carried a Part of the Liquors out to the Mercat-Cross and drunk it, having a Bag-pipe all the while playing to them, and then went out to meet Mr *Keith* the Intruder, who was coming in to *Kirton*. The Presbytery being thus hotly handled, and perceiving that they could not get the Ordination performed without the inevitable Hazard of their Lives, they were necessitate to go home without finishing the same. As the manner of acting in this Rabble was most unaccountable, so the same did not happen by meer Accident, but was contrived aforehand, and the Measures laid down by the saids *William Baird* of *Auchmedden*, *James Keith* of *Creiche*, or one or other of them: in so far as, 1*mo*. They or some of them kept a Meeting at *Old Deer* about the 9th or 10th of March last, or one or other of the Days of the said Month, wherein they concerted the foresaid Opposition. 2*do*. They contrived and caused publish through the Paroch a false and seditious Paper, wherein they libel and rail against the establish'd Government, Order and Worship of this Church, on purpose to excite the People against the Presbytery, and pretending that they could not in Conscience join therewith. They declare their intended Opposition to the Settlement of the Paroch with a Presbyterian Minister; and they contrived and drew up another Paper, which they caused read in the Church upon the Lord's Day immediately before the said Rabble, Warning and Enjoining the Parochioners to meet together at the Day appointed for the Ordination, in order to oppose the same. 3*tio*. They ordered several Persons some Days before the appointed Diet of Ordination, to Warn and Enjoin the People to conveen the foresaid Day for the said End, and sent some to *Lenmaboes* Mercat, to stir up the People there conveen'd for the same Purpose; and the said Gentlemen, or one or other of them, did encourage the Rabble, by promising to free them of all Charges and Expenses, and to protect them from any Punishment that should be inflicted on them, upon account of their Accession to the said Tumult. And albeit the said *William Baird* of *Auchmedden* was petitioned publickly when sitting in his own Baron-Court, by *Anna Greden* Spouse to *John Turner* Clerk in *Old Deer*, representing That her House was molested and damnified by some of his Men or Tenents, who threatned her for harbouring of Mr *John Gordon*, and entreating the said Rabble might be discourag'd; yet he not only refused to grant her Request, but mocked and ridiculed her, even in the Court-Place and before a great many of the Persons guilty, who were there present: Yea there were of his own Domestick Servants present at the said Rabble, and very active therein: And the said *Silvester Douglass*, *George Rankin* and *Charles Morison* gave Orders to some of the said Rabble, That they should stand their Ground against all the

the Persons that should be there, seeing there were no Souldiers in the Country to oppose them. And the said *Charles Morison* came armed to *Old Deer* the same Day that the Rabble happened; and tho he was desir'd by the Justices of Peace to assist them in making patent Doors, yet he did it not: And the said *John Forbes* not only came there armed the same Day, but brought with him severals of the People of *Pitfour*'s Ground, and even of his own Domestick Servants, and ordered them to assist in the Rabble: And the saids *Creichie*, *Bruxie* and *Auchreny* did give out, that by a late Act of the *British* Parliament PATRONAGES were restored, and protested for the Benefit of that Act, and that the Presbytery should not presume to go on in their Intention of planting their Church, and threatned them, that if they went on with it, they might expect to be rabbled: And this they also expresst in the Reasons of Appeal given in to the Presbytery by them, for themselves and in name of some others of the *Heretors*, or at least by *William Bowman* Indweller in *Deer*, their Commissioner; whereof an authentick Copy is in the Hands of the Clerk of Justiciary, and the Mandate by the said *Bowman*'s Constituents, is in the Hands of one or other of the Defenders themselves, or in the Hands of one or other of the Witnesses subjoin'd in the List to the Libel: At least the said Mandate, signed by all or one or other of the said Defenders, was seen and read, and the Subscriptions known by the Witnesses subjoined to the Libel, or a sufficient Number of them, against Mr *John Gordon*'s Ordination: and the said Persons, or one or other of them, to animate and encourage such of the People as are disaffected to the established Church, did also give out, That *Mr. Greenshield*'s Case being decided in his Favours by the House of Peers, they might, if they opposed Mr *Gordon*, quickly expect an Episcopal Minister, or some Expression to this purpose: Thus boasting and abusing the Name of Authority insolently against the Establish'd Church, in Contempt of the Laws and most Solemn Treaty of UNION. And sicklike the said *William Charles* elder, and *William* and *John Charles*'s two Sons, with a great many others of the Persons above complained upon, or at least one or other of them armed as above, did upon the said 22d Day of *March*, or one or other of the Days of the said Month, seise upon two Horses belonging to the said *Baillie Stuart* loaded with Goods, Wares, Furniture or Provision of a very considerable Value of about 40 lib. Sterling Money, coming towards the Kirtown of *Old Deer*, and did violently seize the same; and having abused and maltreated the two Men that had the charge thereof, they carried the same off by Force, and did dispose thereupon as they thought fit; excepting only two Trunks belonging to the said *Robert Stuart*, whilk they thought fit at their Season to send back; And for doing this they pretended the Laird of *Auchmedden*'s Order. And the said Mr *John Keith* having been deposed by the Sentence of the said Presbytery of *Deer*, and never having any legal Call by the People, nor lawful Admission to be Minister of the said Paroch of *Old Deer*, does, contrary to all Law and Order possess the said Church, Preaches and exercises other Parts of the Ministerial Function within the said Paroch; and the said Mr. *John Keith* did so far encourage the said Rabble, that after he return'd from *Duggat* of *Bissie*'s a profess'd *Papists* House, (whither he had retir'd during the Heat of the Action) he very kindly saluted the Actors, and gave them his hearty Thanks for their good Behaviour, and went that Evening to the said *John Riccart*'s House, where a part of the said Rabblers were assembled eating, drinking, and rejoycing for their Victory, and continued there among them; and at length they came to that pitch of Drunkenness, that they fell a struggling among themselves, and threw one another in the Fire in his presence. Likeas, the said *William Baird* of *Auchmedden*, *James Keith* of *Creichie*, Heritors, within whose Bounds or Ground the other Persons above-complain'd upon do dwell and reside, getting Intimations made to them conform to the said Act of Parliament 1698, and other Acts therein mentioned, to produce such of the Persons of the said Mob above-complain'd upon, as do reside upon their respective Grounds, to the effect they may underly the Law for their foresaids Crimes and Offences. And the saids

William

Baird, James Keith of *Creichie, Silveſter Douglaſs James Keith* of *Bruxie* and *George Ranken* Heritors, are by the Laws above-mentioned, bound to produce and ſiſt before Our Lords Juſtice General, Juſtice-Clerk and Lords Commiſſioners of Juſticiary the other Perſons above complain'd upon, their Tenents and Servants, to underly the Law for the Crimes above-mention'd, or otherwiſe to be puniſhed as the ſaid Acts ordain, and the foreſaids Perſons above-nam'd, who ſeiſed the foreſaid Goods, Ware, Furniture or Proviſion, ought not only to be decerned to reſtore the ſamen, upon the Purſuer's giving his Oathin litem or Value thereof above libelled. But they and the whole other Perſons, Maſters, Tenents and Servants being found guilty by the Verdict of an Aſſize, ought to be decerned to pay the Sum of one Thouſand Pound Sterling Money of Coſt, Skaith and Dammage, and to be otherwiſe puniſhed in their Perſons and Goods, with the Pains of Law, to the Example and Terror of others to commit the like in Time coming.

OUR WILL IS HEREFORE, and We charge you ſtrictly and commandi, that in continent thir our Letters ſeen, ye paſs, and in Our Name and Authority, command and charge the ſaids above complain'd upon, and ilk one of them, To come and find ſufficient Caution and Surety acted in the Books of Adjournal, That they ſhall compear before Our Lords Juſtice General, Juſtice-Clerk and Commiſſioners of Juſticiary, within the Tolbooth or Criminal Court-houſe of *Edinburgh*, the 11th Day of *June* next to come, in the Hour of Cauſe, there to underly the Law for the Crimes abovementioned, and that under the Pains contained in the Acts of *Parliament*, and that ye charge them perſonally, if they can be apprehended, and failzieing thereof, at their Dwelling-places, and by open Proclamation at the Mercat-Croſs of the Head-burgh of the Shire, Stewartry, Regality or other Juriſdiction where they dwell to come and find the ſaid Caution and Surety acted in Manner foreſaid, within Fifteen Days next after they be charged by you thereto, under the Pain of Rebellion, and putting of them to Our Horn; which Fifteen Days being by gone, and the ſaid Soverty not being found, nor no Intimation made by them to you of the finding thereof: That incontinent thereof ye denounce them our Rebells, and put them to our Horn, Eſcheat and In bring all their moveable Goods and Gear to our Uſe for their Contemption and Diſobedience; and that ye within Fifteen Days hereafter, cauſe regiſtrate thir our Letters, with the Executions thereof in our Books of Adjournal conform to the Act of Parliament made thereanent; and if they come and find the ſaid Caution (Intimation being always made by them to you of the finding thereof) that ye ſummon an Aſſize hereto, not exceeding the Number of Forty Five Perſons, together with ſuch Witneſſes, who beſt know the Verity of the Premiſſes, whoſe Names ſhall be given you in Roll ſubſcribed by the ſaids Complainers or either of them: to compear before Our ſaids Lords, Day and Place foreſaid. The ſaid Perſons of Inqueſt, to paſs upon their Aſſize, and the ſaids Witneſſes to bear leill and ſooth-faſt Witneſſing, in Sua far as they know, or ſhall be ſpeir'd at them, ilk Perſon under the Pain of One Hundred Merks, according to Juſtice, as ye will anſwer to Us thereupon. The whilk to do we commit to you conjunctly and ſeverally, Our full Power by thir our Letters delivering them by you duely execute and indorſed again to the Bearer. Given under Our Signet at Edinburgh, the Seventeenth Day of April, and of our Reign the Tenth Year, 1711.

Ex deliberatione Dominorum Commiſſionariorum Juſticiarii.

Jn. Montgomerie.

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